

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

**NATIONAL BOARD OF MEDICAL
EXAMINERS, *et al*,**

PLAINTIFFS,

**VS.
OPTIMA UNIVERSITY, LLC *et al*,**

Civil Action No. 09-1043-JDB

DEFENDANTS.

MOTION TO CONTINUE SHOW CAUSE HEARING

NOW COME the Defendants and move this Court for an Order continuing the show cause hearing now set for the 14th day of April, 2009 at 9:30 a.m. and in support of this Motion would state to the Court as follows:

1. That upon returning to the office on April 13th at approximately 9:00 a.m., after four (4) days absent, Attorney for the Defendants was advised by secretary that an email from the attorney for the Plaintiffs, Rusty Reviere, contained a sentence advising of the show cause hearing set on the 14th day of April at 9:30 a.m.
2. That neither the Defendants nor this Attorney was advised of any hearing to be held on the 14th day of April, 2009 at 9:30 a.m.
3. That this Attorney has not formally placed himself on the docket as representing the Defendants; however, he has been attempting to assist them in dealing with this show cause motion that has been filed against them and which has now been set for a hearing as previously announced.
4. That this Attorney continues in the same capacity as announced in paragraph 3 but does request this Court based upon the lack of any knowledge either to himself or to the Defendants that this matter be continued to allow them time to prepare for the hearing.
5. That also together with the email from Plaintiff's Attorney, Rusty Reviere, was the Affidavit of Plaintiff's expert together with a supplemental memorandum, which this Attorney has had only a cursory opportunity to review.

6. That in addition to Counsel and Defendant's lack of any knowledge of the hearing set for tomorrow, witnesses who might be called in defense of this show cause motion have not been contacted or interviewed in preparation for any hearing. Further, one of the witnesses is in New Jersey, having gone there last week for his children's Spring Break.

WHEREFORE THE DEFENDANTS PRAYS:

1. That this Court continue the hearing on the Show Cause Motion filed by the Plaintiffs to be reconvened at a convenient time.

Respectfully submitted,

S\James H. Bradberry

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CERTIFICATE OF SERVICE

I do hereby certify that I served a copy of **DEFENDANT'S REQUEST FOR DISCOVERY UNDER FRCP 16(a)(1)(A)(B)(C)(D)(E)** on the United States Attorney for the Western District of Tennessee by depositing the same in the United States Postal Service following ordinary business practices on this 13th day of April, 2009 to Rusty Reviere, Attorney for Plaintiff, P.O. Box 1147, Jackson, TN 38302.

S\James H. Bradberry

ATTORNEY FOR DEFENDANTS